



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

SEP 05 2013

Mr. Randy R. Casey, Director  
Division of Mined Land Reclamation  
Commonwealth of Virginia  
Department of Mines, Minerals and Energy  
P.O. Drawer 900  
Big Stone Gap, Virginia 24219

Re: NPDES Permit No. VA0081411  
Lone Mountain Processing, Inc. – LMP Preparation Plant

Dear Mr. Casey:

In accordance with Section 402(d) of the Clean Water Act, 40 C.F.R. § 123.44, and the Memoranda of Agreement (MOA) governing the implementation of the National Pollutant Discharge Elimination System (NPDES) program in Virginia, the U.S. Environmental Protection Agency (EPA) Region III has reviewed the draft NPDES permit cited above. This letter serves as a notification of EPA's general objection, pursuant to 40 C.F.R. § 123.44(b)(1). Accordingly, the EPA will have until November 5, 2013 to complete its review, 90 days after the draft permit was received. See 40 C.F.R. § 123.44(b).

On August 7, 2013, VA DMME withdrew and resubmitted the draft NPDES permit that initially submitted to our office on May 28, 2013. This facility is an existing 394.69 acre surface mining operation. The Lone Mountain Processing, Inc. – LMP Preparation Plant discharges treated wastewater and storm water runoff into Straight Creek and Miller Cove Creek watersheds. The Straight Creek is a Section 303(d) impaired stream for the benthic general standard. On June 8, 2006, EPA Region III approved the Straight Creek Total Maximum Daily Load (TMDL) for E. Coli, Total Dissolved Solids and Total Suspended Solids. This general objection informs you that the EPA may use the full 90-day review period, which will expire on November 5, 2013. EPA plans to use this additional time to work with VA DMME to ensure TMDL permitting language similar to the one included in the Hills Fuel Mining permits.

If you have any questions concerning this matter, please contact Mr. Francisco Cruz at (215) 814-5734.

Sincerely,

Jon M. Capacasa, Director  
Water Protection Division

cc: Patrick Leedy, Lone Mountain Processing, Inc.

